

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Dr. Richard Carrier,

Plaintiff,

v.

Case No. 2:16-cv-906

FreethoughtBlogs Network, et al.,

Judge Michael H. Watson


Defendants.

OPINION AND ORDER

Dr. Richard Carrier ("Plaintiff") moves the Court for equitable tolling of the statute of limitations for one year in case the Court grants Defendants' motion to dismiss, ECF No. 10. Mot. 31. Because the motion to dismiss that serves as the basis for Plaintiff's motion to toll has been denied without prejudice, ECF No. 33, Plaintiff's motion to toll, ECF No. 31, is likewise **DENIED** without prejudice as moot. The Clerk shall terminate ECF No. 31 from the Court's pending motions list.

Plaintiff is advised that, should Defendants re-file a motion to dismiss, and should Plaintiff then re-file his motion to toll the statute of limitations, his motion should proactively address the arguments contained in Defendants' response to his original motion, ECF No. 32. Importantly, any re-filed motion shall address with citation to authority why a motion to toll is properly made to this Court rather than any court in which Plaintiff may eventually re-file his suit.

IT IS SO ORDERED.



**MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT**